

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

11 TRAVIS JUSTIN CUELLAR,)	Case No.: 1:20-cv-00707-SAB (PC)
)	
12 Plaintiff,)	
)	
13 v.)	ORDER DIRECTING PLAINTIFF TO INFORM
)	THE COURT WHETHER ENTRY OF DEFAULT
14 FRESNO COUNTY SHERIFF, et al.,)	SHOULD BE IMPOSED AS TO DEFENDANTS
)	BRUTON AND CISNEROS
15 Defendants.)	(ECF No. 12)
)	
)	
)	
)	

18 Plaintiff Travis Justin Cuellar is proceeding *pro se* and *in forma pauperis* in this civil rights
19 action pursuant to 42 U.S.C. § 1983.

20 On July 21, 2020, the Court directed the United States Marshal to serve Bruton and Cisneros.
21 (ECF No. 10.)

22 Rule 12 of the Federal Rules of Civil Procedure provides, “[A] defendant must serve an answer
23 within 21 days after being served with the summons and complaint; or if it has timely waived service
24 under Rule 4(d), within 60 days after the request for a waiver was sent.” Fed. R. Civ. P. 12(a) (1)(A).
25 Under Rule 4(d), a defendant may waive service of a summons by signing and returning a waiver of
26 service. Fed. R. Civ. P. 4(d). If a defendant fails to plead or otherwise defend an action after being
27 properly served with a summons and complaint, a default judgment may be entered pursuant to Rule
28 55(a) of the Federal Rules of Civil Procedure.

1 Here, on November 5, 2020, the Court received two USM-285 forms from the Marshal
2 indicating that personal service was effected upon Defendants Bruton and Cisneros which gave the
3 two Defendants twenty-one days, i.e. November 25, 2020, in which to file a response to the complaint.
4 Fed. R. Civ. P. 12(a)(1)(A)(i). (ECF No. 12.) To date, neither Defendant Bruton or Cisneros has filed
5 a response to the complaint and the time to do so has passed. (Id.)

6 Accordingly, it is HEREBY ORDERED that within thirty (30) days from the date of service of
7 this order, Plaintiff shall inform the Court whether entry of default should be imposed against
8 Defendants Bruton and Cisneros.

9
10 IT IS SO ORDERED.

11 Dated: December 1, 2020


UNITED STATES MAGISTRATE JUDGE